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REMARKS

Claims 1-36, 38-44 and 46-47 are currently pending in the subject application and are presently under consideration. Claims 1-4, 6-8, 14-16, 19-23, 25-26, 28-32, 38, 40-44 and 46-47 have been amended. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 46 Under 35 U.S.C. §112

Claim 46 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 46 has been amended to correct a typographical error and as amended depends from claim 44. Applicant's representative respectfully requests that this rejection be withdrawn.

II. Rejection of Claims 1-21, 44 and 46-47 Under 35 U.S.C. §103(a)

Claims 1-21, 44 and 46-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Foley et al.* U.S. 6,487,590. Reversal of this rejection is respectfully requested for at least the following reason. *Foley et al.* does not teach or suggest all of the claim limitations and therefore does not teach or suggest the claimed invention as a whole.

The test of obviousness is whether "the subject matter sought to be patented and the prior art are such that the subject matter as a *whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art." (*Graham v. John Deere Co.*, 383 U.S. 1, 3 (1966) (emphasis added); *see also e.g., In re Dembiczak*, 175 F.3d 994, 998, 50 U.S.P.Q. 1614, 1616 (Fed. Cir. 1999)). In evaluating obviousness, the PTO must conduct the factual inquiry as outlined in *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). (*See In re Lee*, 277 F.3d 1338, 1342-43, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002)). The factual inquiry to be conducted includes determining: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. (*See Graham*, 383 U.S. 1, 17-18 (1966)). The PTO must "not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." (*In re Lee*, 277 F.3d at 1344, 61 U.S.P.Q.2d at 1434). The PTO cannot rely merely on conclusory statements and assertions of "common sense" to remedy

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deficiencies of the cited references. (*In re Lee*, 277 F.3d at 1344, 61 U.S.P.Q.2d at 1434). If the PTO relies on multiple prior art references as the basis for an obviousness rejection, it is not enough that all of the claim limitations appear in the prior art. To establish a *prima facie* case of obviousness, the PTO must also make an adequate showing of a suggestion, teaching, or motivation to combine the prior art references. (See *In re Dembiczak*, 175 F.3d 994, 999-1001, 50 U.S.P.Q. 1614, 1617 (Fed. Cir. 1999) (citing to *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1998)); see also *In re Lee*, 277 F.3d at 1343, 61 U.S.P.Q.2d at 1433). Only if the PTO establishes a *prima facie* case of obviousness does the burden of coming forward with evidence or argument shift to the applicant. (See *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992)).

A. Claims 1-20

Claims 1- 20 recite the limitation *a lifetime manager employing a lease to determine the lifetime of a remote object, the lease comprising an initial lease period*. *Foley et al.* does not teach or suggest utilizing leases or initial lease periods to determine the lifetime of a remote object. Rather, the method of *Foley et al.* requires a client to terminate a target application and notify the server that its associated resources should be released. (See *Foley et al.* at col. 4, lines 59-61). For at least this reason, the subject claims are in condition for allowance and applicant's representative respectfully requests that the rejection of claims 1-20 be withdrawn.

B. Claim 21

Claim 21 recites the limitation *a lifetime managing component controlling the lifetime of a remote object and specifying a predetermined lifetime for the remote object*. As explained *supra*, the method of *Foley et al.* merely teaches the termination of an application and the release of its resources when the application is no longer in use. Nowhere in *Foley et al.* is a predetermined lifetime for a remote object taught or suggested. For at least this reason, the subject claim is in condition for allowance and applicant's representative respectfully requests that the rejection of claim 20 be withdrawn.

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C. Claims 44-46

Claims 44 and 46 recite a data packet comprising *a second field that stores information associated with monitoring and controlling the lifetime of the remote object, wherein the information associated with monitoring and controlling the lifetime of the remote object comprises an initial lease period*. *Foley et al.* does not teach or suggest storing information comprising an initial lease period. For at least this reason, the subject claims are in condition for allowance and applicant's representative respectfully requests that the rejection of claims 44 and 46 be withdrawn.

D. Claim 47

Claim 47 recites *a second field that stores information associated with monitoring and controlling the lifetime of the remote object, wherein the information associated with monitoring and controlling the lifetime of the remote object comprises an initial lease period and a renew on access lease time*. *Foley et al.* does not teach or suggest storing information comprising an initial lease period and a renew on access lease time. For at least this reason, the subject claim is in condition for allowance and applicant's representative respectfully requests that the rejection of claim 47 be withdrawn.

III. Rejection of Claims 22-29, 31-36 and 40-42 Under 35 U.S.C. §103(a)

Claims 22-29, 31-36 and 40-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Foley et al.* in view of *Bainbridge et al.* U.S. 6,014,700 ("*Bainbridge et al.*"). Reversal of this rejection is respectfully requested for at least the following reasons. All of the subject claims in some form recite the limitation *an initial lease time (or period)* for managing (or controlling) the lifetime of a remote object. As explained *supra*, *Foley et al.* does not teach or suggest leases or providing an initial lease period. *Bainbridge et al.* does not remedy this deficiency and the Examiner does not contend otherwise. (See Office Action dated February 8, 2005 at pp. 6-9). Thus, the cited references, either alone or in combination, do not teach or suggest all of the claim limitations and therefore do not teach or suggest the claimed invention as a whole. Accordingly, applicant's representative respectfully requests that the rejection be withdrawn.

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IV. Rejection of Claims 30, 38-39 and 43 Under 35 U.S.C. §103(a)

Claims 30, 38-39 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Foley *et al.* in view of Bainbridge *et al.*, and further in view of King (U.S. 6,681,263). Reversal of this rejection is respectfully requested for at least the following reason. All of the subject claims in some form recite the limitation *a lease comprising an initial lease time (or period)* for managing (or controlling or determining) the lifetime of a remote object. As explained *supra*, neither Foley *et al.* nor Bainbridge *et al.*, alone or in combination, teach or suggest this limitation. King does not remedy this deficiency. The system taught by King merely employs a flag and a reference counter to determine the life of an object. If the object is performing a synchronous task, the system uses simple reference counting to determine the life of an object. (See *e.g.*, King at col. 2, lines 17-21; col. 4, lines 12-14; and Fig. 1). If the object is performing an asynchronous task, the object sets a flag and increments the reference count. (See *e.g.*, King at col. 4, lines 24-28 and Fig. 2). After the object has completed the asynchronous task, the object resets the flag and decrements the reference count. (See *e.g.*, King at col. 4, lines 47-53 and Fig. 2). King does not teach or suggest a lease comprising an initial lease time (or period) as recited in the subject claims. Accordingly, applicant's representative respectfully requests that the rejection be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP252US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731